

BellSouth Telecommunications, Inc.
Legal Department
1600 Williams Street
Suite 5200
Columbia, SC 29201

patrick.turner@bellsouth.com

Patrick W. Turner
General Counsel-South Carolina

803 401 2900
Fax 803 254 1731

March 16, 2004

The Honorable Bruce Duke
Executive Director
Public Service Commission of SC
Post Office Drawer 11649
Columbia, South Carolina 29211

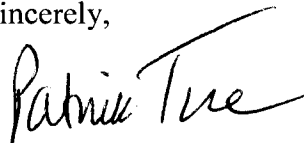
Re: Analysis of Continued Availability of Unbundled Local Switching for
Mass Market Customers Pursuant to the Federal Communication
Commission's Triennial Review Order
(Docket No. 2003-326-C)

Dear Mr. Duke:

Enclosed for filing are the original and ten copies of BellSouth Telecommunications, Inc.'s First Requests for Admissions, First Set of Interrogatories, and First Requests for Production of Documents to Competitive Carriers of the South, Inc. in the above-referenced matter.

By copy of this letter, I am serving this discovery on all parties of record as reflected by the attached Certificate of Service.

Sincerely,



Patrick W. Turner

PWT/nml
Enclosures
PC Docs # 531132
cc: Parties of Record

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-326-C**

IN RE:

Analysis of Continued Availability of Unbundled)
Local Switching for Mass Market Customers)
Pursuant to the Federal Communication)
Commission's Triennial Review Order)

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
FIRST REQUESTS FOR ADMISSIONS, FIRST SET OF INTERROGATORIES, AND
FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS TO COMPETITIVE
CARRIERS OF THE SOUTH, INC.**

Pursuant to S.C. Code Ann. Regs. 103-851 and Order No. 2003-667, issued in this docket on November 7, 2003, BellSouth Telecommunications, Inc. ("BellSouth") hereby serves its First Requests for Admissions, First Set of Interrogatories, and First Requests for Production of Documents to Competitive Carriers of the South, Inc.'s (hereinafter "CompSouth").

DEFINITIONS

1. "BellSouth" means BellSouth Telecommunications, Inc., and its subsidiaries, their present and former officers, employees, agents, representatives, directors, and all other persons acting or purporting to act on behalf of BellSouth Telecommunications, Inc.
2. The terms "you" and "your" refer to CompSouth.
3. "CompSouth" means The Competitive Carriers of the South, Inc., and its subsidiaries, their present and former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of the CompSouth.
4. The term "person" means any natural person, corporation, corporate division, partnership, other unincorporated association, trust, government agency, or entity.

5. The term "document" shall have the broadest possible meaning under applicable law. "Document" means every writing or record of every type and description that is in the possession, custody or control of CompSouth, including, but not limited to, correspondence, memoranda, drafts, work papers, summaries, stenographic or handwritten notes, studies, publications, books, pamphlets, reports, surveys, minutes or statistical compilations, computer and other electronic records or tapes or printouts, including, but not limited to, electronic mail files; and copies of such writings or records containing any commentary or notation whatsoever that does not appear in the original. The term "document" further includes, by way of illustration and not limitation, schedules, progress schedules, time logs, drawings, computer disks, charts, projections, time tables, summaries of other documents, minutes, surveys, work sheets, drawings, comparisons, evaluations, laboratory and testing reports, telephone call records, personal diaries, calendars, personal notebooks, personal reading files, transcripts, witness statements and indices.

6. The term "communication" means any oral, graphic, demonstrative, telephonic, verbal, electronic, written or other conveyance of information, including, but not limited to, conversations, telecommunications and documents.

7. The term "referring or relating to" means consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.

8. "And" and "or" as used herein shall be construed both conjunctively and disjunctively and each shall include the other whenever such construction will serve to bring within the scope of these discovery requests any information that would otherwise not be brought within their scope.

9. The singular as used herein shall include the plural, and vice versa, and the masculine gender shall include the feminine and the neuter.

10. "Identify" or "identifying" or "identification" when used in reference to a natural person means to state:

- a) the full legal name of the person;
- b) the name, title and employer of the person at the time in question;
- c) the present or last known employer of such person;
- d) the present or last known home and business addresses of the person; and
- e) the present home address.

11. "Identify" or "identifying" or "identification" when used in reference to a person other than a natural person means to state:

- a) the full name of the person and any names under which it conducts business;
- b) the present or last known address of the person; and
- c) the present or last known telephone number of the person.

12. "Identify" or "identifying" or "identification" when used in reference to a document means to provide with respect to each document requested to be identified by these discovery requests a description of the document that is sufficient for purposes of a request to produce or a subpoena duces tecum, including the following:

- a) the type of document (e.g., letter, memorandum, etc.);
- b) the date of the document;
- c) the title or label of the document;

- d) the Bates number or other identifier used to number the document for use in litigation;
- e) the identity of the originator;
- f) the identity of each person to whom it was sent;
- g) the identity of each person to whom a copy or copies were sent;
- h) a summary of the contents of the document;
- i) the name and last known address of each person who presently has possession, custody or control of the document; and
- j) if any such document was, but is no longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has been destroyed; or (3) has been transferred voluntarily or involuntarily, and, if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.

13. "Identify," "identifying" or "identity" when used in reference to a communication means to state the date of the communication, whether the communication was written or oral, the identity of all parties and witnesses to the communication, the substance of what was said and/or transpired and, if written, the identity of the document(s) containing or referring to the communication.

14. "ILEC" refers to Incumbent Local Exchange Carrier.

15. "DSO" refers to Digital Signal, level zero.

16. "DS1" refers to Digital Signal, level 1.

17. "FCC" refers to the Federal Communications Commission.

18. "UNE" refers to Unbundled Network Element.

19. “UNE-P” refers to Unbundled Network Element-Platform.

20. A “qualifying service” is a service as defined in 47 C.F.R. §51.5, as that rule is currently set forth in connection with the FCC’s Triennial Review Order (TRO).

21. “CLEC” refers to Competing Local Exchange Carrier.

22. “TRO” refers to the Federal Communications Commission’s *Triennial Review Order* in CC Docket Nos. 01-338, 96-98, and 98-147 released on August 21, 2003.

23. “LATA” means “Local Access and Transport Area” as that term is defined in *Modification of Final Judgment, United States v. Western Elec. Co.*, 552 F. Supp. 131 (D.D.C. 1982), *aff’d sub nom., Maryland v. United States*, 460 U.S. 1001 (1983).

GENERAL INSTRUCTIONS

1. If you contend that any response to any discovery request may be withheld under the attorney-client privilege, the attorney work product doctrine or any other privilege or basis, please state the following with respect to each such response in order to explain the basis for the claim of privilege and to permit adjudication of the propriety of that claim:

- a) the privilege asserted and its basis;
- b) the nature of the information withheld; and
- c) the subject matter of the document, except to the extent that you claim it is privileged.

2. These discovery requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These discovery requests are intended to include requests for information, which is physically within your possession, custody or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such documents may be obtained.

3. If any discovery request cannot be answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.

4. These discovery requests are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these requests subsequently become known.

5. For each request, provide the name of the company witness(es) or employee(s) responsible for compiling and providing the information contained in each answer.

6. To the extent CompSouth has previously provided a response to any discovery request, which prior response is responsive to any of the following requests, in South Carolina or any other state in proceedings in which BellSouth and CompSouth are parties, CompSouth need not respond to such request again, but rather may respond by identifying the prior response to such request by state, proceeding, docket number, date of response, and the number of such response. If such prior response does not respond to the request contained below in its entirety, you should provide all additional information necessary to make your answers to these requests complete.

INTERROGATORIES AND REQUESTS FOR ADMISSIONS

1. Referring to pages 16 and 17 of the Direct Testimony of Joseph Gillan, is it your contention that CLECs have tried and failed to serve mass market customers in South Carolina using their own facilities, including, but not limited to, switching? If the answer to this Interrogatory is in the affirmative, please:

- (a) identify all such CLECs;
- (b) describe in detail all attempts that each such CLECs made to serve mass market customers in South Carolina using its own facilities; and

(c) identify all documents that support this contention

2. Referring to pages 21 and 22 of the Direct Testimony of Joseph Gillan, has any analysis, study, or evaluation of a specific cross over or geographic area that the South Carolina Public Service Commission might use in evaluating impairment in this proceeding been conducted by, on behalf, or at the direction of CompSouth or Mr. Gillan? If the answer to this Interrogatory is in the affirmative, describe with particularity the results of that analysis, study, or evaluation.

3. Do the carriers that comprise CompSouth utilize the formula referenced on page 26 of the Direct Testimony of Joseph Gillan in determining whether to provide voice service to a particular customer using a DS1 rather than multiple UNE analog loops? If the answer to this Interrogatory is in the affirmative, please identify all such carriers and identify all documents referring or relating to their use of this formula.

4. Referring to pages 25 and 26 of the Direct Testimony of Joseph Gillan, identify all documents used or considered by Mr. Gillan in determining that the indicated formula for cross over “should be used” by the South Carolina Public Service Commission in determining the DS-1 crossover.

5. Referring to pages 25 and 26 of the Direct Testimony of Joseph Gillan, since January 1, 2003, state the total number of South Carolina end user customers served by carriers that comprise CompSouth who have indicated that:

(a) they do not desire DS1-based service because the customer did not want to make space available for channel bank equipment;

- (b) they do not desire DS1-based service because the customer did not want to provide access to its premises to its service provider to maintain or repair the equipment; and
- (c) they desire being served by multiple analog lines rather than a single DS-1 because it makes them “less vulnerable to network failure.”

6. Referring to page 32 of the Direct Testimony of Joseph Gillan, identify all documents, including, but not limited to, economic treatises, articles, or literature that support Mr. Gillan’s view that geographic markets are properly defined by “the unique competitive signature” of the product.

7. For those individual carriers that comprise CompSouth, identify each such carrier that decides to enter a market at the wire-center level.

8. For those carriers identified in response to Interrogatory No. 7 that decide to enter a market at the wire-center level, please:

- (a) identify those wire centers in BellSouth’s service territory in South Carolina that each such carrier has decided not to enter;
- (b) explain in detail why the carrier decided not to enter that wire center; and
- (c) identify all documents referring or relating to the process by which each such carrier decides to enter a market at the wire-center level.

9. For those individual carriers that comprise CompSouth, identify each such carrier that decides to enter a market at the LATA level.

10. For those carriers identified in response to Interrogatory No. 9 that decide to enter a market at the LATA level, please:

- (a) identify any LATAs in BellSouth's service territory in South Carolina that each such carrier has decided not to enter;
- (b) explain in detail why the carrier decided not to enter that LATA;
- (c) identify those LATAs in BellSouth's service territory in South Carolina that each such carrier has decided to enter;
- (d) identify any wire centers in those LATAs that each such carrier has entered where the carrier does not provide qualifying service; and
- (e) identify all documents referring or relating to the process by which each such carrier decides to enter a market at the LATA level.

11. Referring to page 33 of the Direct Testimony of Joseph Gillan, has any analysis, study, or evaluation of "a CLEC's costs to extend an analog loop from the wire center where it is currently located to the CLEC's switch location" been conducted by, on behalf, or at the direction of CompSouth or Mr. Gillan? If the answer to this Interrogatory is in the affirmative, describe with particularity the results of that analysis, study, or evaluation.

12. Referring to the six trigger criteria identified on pages 36-38 of the Direct Testimony of Joseph Gillan, provide specific references to any and all language in the TRO that support your position that a carrier must meet each of these six criteria in order to qualify as one of the three self-provisioning providers necessary to satisfy the FCC's self-provisioning trigger.

13. Admit that for a carrier to qualify as a self-provisioning provider for purposes of the FCC's self-provisioning trigger the TRO requires, in part, that the carrier be serving mass market customers in the particular geographic market in question using its own local circuit switches.

14. If the foregoing Request for Admission is denied, state all facts and identify all documents, including providing specific references to any and all language in the TRO that support such denial.

15. Admit that for the purposes of the FCC's switching impairment analysis, the TRO defines mass market customers as analog voice customers that purchase only a limited number of POTS lines and can only be served via DS0 loops.

16. If the foregoing Request for Admission is denied, state all facts and identify all documents, including providing specific references to any and all language in the TRO that support such denial.

17. Admit that the TRO does not expressly require that, when determining whether a competing carrier is serving mass market customers, the group of mass market customers has to include only residential customers or a combination of residential and business customers, as opposed to business customers alone.

18. If the foregoing Request for Admission is denied, state all facts and identify all documents, including providing specific references to any and all language in the TRO that support such denial.

19. Does CompSouth contend that in order for a carrier to qualify as a self-provisioning provider for purposes of the FCC's self-provisioning trigger test the carrier must be serving residential customers? If the answer to this Interrogatory is in the affirmative, state all facts and identify all documents, including providing specific references to any and all language in the TRO that support this contention.

20. Referring to pages 41 and 42 of the Direct Testimony of Joseph Gillan, has any analysis, study, or evaluation of whether CLECs are using their own mass market switches to

provide local exchange service to mass market customers in South Carolina been conducted by, on behalf, or at the direction of CompSouth or Mr. Gillan? If the answer to this Interrogatory is in the affirmative, describe with particularity the results of that analysis, study, or evaluation.

21. Referring to page 43 of the Direct Testimony of Joseph Gillan, identify all CLECs that have “abandoned the mass market” segment in South Carolina because they allegedly “found the operational and economic impairments too formidable to overcome.” In answering this Interrogatory, for each such CLEC:

- (a) describe with particularity all efforts made by that CLEC to serve the mass market segment, including, but not limited to, identifying the geographic market(s) that the CLEC attempted to serve and the types of service offered to mass market customers in each such market;
- (b) describe with particularity the “operational and economic impairments” that the CLEC found “too formidable to overcome”; and
- (c) identify all documents referring or relating to the CLEC’s decision to “abandon[] the mass market” segment.

22. Referring to pages 43-45 of the Direct Testimony of Joseph Gillan, has any analysis, study, or evaluation of whether CLECs are using ILEC unbundled analog loops to actively compete for POTS service to mass market customers in South Carolina been conducted by, on behalf, or at the direction of CompSouth or Mr. Gillan? If the answer to this Interrogatory is in the affirmative, describe with particularity the results of that analysis, study, or evaluation.

23. Referring to pages 50 and 51 of the Direct Testimony of Joseph Gillan, does Mr. Gillan or CompSouth contend that there are intermodal voice service alternatives in South

Carolina other than CMRS providers? If so, identify each such intermodal voice service alternative.

24. Admit that packet switches and other intermodal switches, used by competitors to provide voice service that is comparable to the service offered by ILECs, count towards the competitive triggers for switching.

25. If the foregoing Request for Admission is denied, state all facts and identify all documents, including providing specific references to any and all language in the TRO that support such denial.

26. Referring to pages 52 and 53 of the Direct Testimony of Joseph Gillan, do you contend that a CLEC providing voice service to mass market customers with its own switch must serve a specific number of customers in order to be considered as a trigger candidate? If the answer to this Interrogatory is in the affirmative, state with specificity the number of customers that the CLP must be serving and describe with particularity how this number was calculated.

27. Referring to page 56 of the Direct Testimony of Joseph Gillan, is Mr. Gillan's testimony that "[t]he incumbent's network would be disrupted by a shift of UNE-P lines to UNE-L" based on any empirical analysis, study, or evaluation? If the answer to this Interrogatory is in the affirmative, describe with particularity that analysis, study, or evaluation.

28. Referring to page 63 of the Direct Testimony of Joseph Gillan, for those individual carriers that comprise CompSouth, identify each such carrier that has pursued "a UNE-P entry strategy" in South Carolina.

29. For those carriers identified in response to Interrogatory 28, state the total dollar amount of investment that each such carrier has made in South Carolina since January 1, 2000 in connection with its "UNE-P entry strategy." In answering this Interrogatory, please:

- (a) provide a breakdown of the specific categories of investment (e.g., billing systems, offices, human capital, etc.) made by each such carrier in South Carolina for each year since January 1, 2000; and
- (b) state the total dollar amounts invested in those categories by each such carrier in Alabama for each year since January 1, 2000.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Produce all documents identified in response to BellSouth's First Requests for Admissions and First Set of Interrogatories.

Respectfully submitted, this 16th day of March 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.



Patrick W. Turner
1600 Williams Street, Suite 5200
Columbia, South Carolina 29201
(803) 401-2900

R. Douglas Lackey
Meredith E. Mays
Suite 4300
675 W. Peachtree St., NE
Atlanta, GA 30375
(404) 335-0747

ATTORNEYS FOR BELLSOUTH
TELECOMMUNICATIONS, INC.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND) CERTIFICATE OF SERVICE

The undersigned, Nyla M. Laney, hereby certifies that she is employed by the Legal Department for BellSouth Telecommunications, Inc. ("BellSouth") and that she has caused BellSouth Telecommunications, Inc.'s First Requests for Admissions, First Set of Interrogatories, and First Requests for Production of Documents to Competitive Carriers of the South, Inc. in Docket No. 2003-326-C to be served upon the following this March 16, 2004:

F. David Butler, Esquire
General Counsel
S. C. Public Service Commission
Post Office Box 11649
Columbia, South Carolina 29211
(PSC Staff)
(Electronic Mail)

Rowland L. Curry
Principal
Curry and Associates
1509 Mearns Meadow Blvd.
Austin, Texas 78758
(Electronic Mail)

Robert Loube
Director
Economic Research
Rhoads and Sinon, LLC
10601 Cavalier Drive
Silver Spring, MD 20901
(Electronic Mail)

Elliott F. Elam, Jr., Esquire
S. C. Department of Consumer Affairs
3600 Forest Drive, 3rd Floor
Post Office Box 5757
Columbia, South Carolina 29250-5757
(Consumer Advocate)
(Electronic Mail)

John J. Pringle, Jr., Esquire
Ellis Lawhorne & Sims, P.A.
1501 Main Street, 5th Floor
Columbia, South Carolina 29201
(AT&T Communications of the Southern States, LLC)
(NuVox Communications, Inc.)
(Xspedius)
(NewSouth Communications, Corp.)
(Electronic Mail)

Robert E. Tyson, Jr., Esquire
Sowell Gray Stepp & Laffitte
1310 Gadsden Street
Columbia, South Carolina 29211
(Competitive Carriers of the South, Inc.)
(ITC^DeltaCom Communications, Inc.)
(Electronic Mail)

Nanette S. Edwards, Esquire
ITC^DeltaCom Communications, Inc.
4092 S. Memorial Parkway
Huntsville, Alabama 35802
(Electronic Mail)

Darra W. Cothran, Esquire
Woodward, Cothran & Herndon
1200 Main Street, 6th Floor
Post Office Box 12399
Columbia, South Carolina 29211
(MCI WorldCom Communications, Inc.)
(Intermedia Communications, Inc.)
(MCImetro Access Transmission Services, LLC)
(Electronic Mail)

Kennard B. Woods, Esquire
MCI
Law and Public Policy
6 Concourse Parkway, Suite 600
Atlanta, Georgia 30328
(Electronic Mail)

M. John Bowen, Jr., Esquire
Margaret M. Fox, Esquire
McNair Law Firm, P.A.
Post Office Box 11390
Columbia, South Carolina 29211
(SCTC)

(Electronic Mail)
Scott Elliott, Esquire
ELLIOTT & ELLIOTT, P.A.
721 Olive Street
Columbia, South Carolina 29205
(United Telephone Company of the Carolinas and
Sprint Communications Company, L.P.)
(Electronic Mail)

H. Edwards Phillips, III, Esquire
Legal Department Mailstop: NCWKFR0313
14111 Capital Boulevard
Wake Forest, North Carolina 27587-5900
(United Telephone Company of the Carolinas and
Sprint Communications Company, L.P.)
(Electronic Mail)

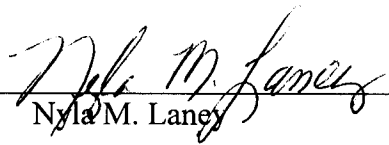
Marty Bocock, Esquire
Director of Regulatory Affairs
1122 Lady Street
Suite 1050
Columbia, South Carolina 29201
(Electronic Mail)

Mr. Rohan Ranaraja
Manager-State Governmental Affairs
Alltel Telecommunications, Inc.
1 Allied Drive
Little Rock, Arkansas 72202
(Electronic Mail)

Allen G. Buckalew
J. W. Wilson & Associates
1601 North Kent Street
Suite 1104
Arlington, VA 22209
(Electronic Mail)

Ms. Melanie M. Lloyd
7501 Callbraam Lane
Austin, TX 78736
(PSC Consultant)
(Electronic Mail)

Ms. Lisa Sapper
Docket Manager - AT&T
1121 Chapel Hill Road
Madison, WI 53711
(Electronic Mail)


Nyla M. Laney

PC Docs # 512354